

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Acosta,

Plaintiff,

—v—

Abed et al.

Defendants.

21-cv-10147 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

According to the proof of service filed on December 28, 2021, Defendants' answer or other response to the complaint was due on or before January 18, 2022. Dkt. No. 13. As of this date, the Court is not in receipt of Defendants' answer.

Within two weeks of this order, Plaintiff shall seek a certificate of default and move for default judgment against Defendants pursuant to this Court's Individual Practices in Civil Cases or file a status update with the Court explaining why a motion for default judgment against Defendants should not be filed at this time. Plaintiff is on notice that failure to do so by this date may result in his claim being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting "a district judge's authority to dismiss actions based on a plaintiff's failure to prosecute"). By March 1, 2022, Plaintiff must serve this order on Defendants and file proof of service on ECF.

SO ORDERED.

Dated: February 23, 2022
New York, New York

Handwritten signature of Alison J. Nathan in black ink.

ALISON J. NATHAN
United States District Judge